

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DOUGLAS B. LETOHA and PAMELA A. BOUDOIN-AIMEE

PLAINTIFFS

V.

CIVIL ACTION NO.1:06CV1009 LTS-RHW

NATIONWIDE MUTUAL INSURANCE COMPANY
and JOHN DOE I-III

DEFENDANTS

ORDER

In accordance with the Memorandum Opinion I have this day signed, it is

ORDERED

That the motion [138] of Nationwide Mutual Insurance Company for summary judgment is hereby **GRANTED IN PART** and **DENIED IN PART**;

That the motion is **GRANTED** as to the plaintiffs' claim for additional insurance benefits for damage to the insured dwelling sustained during Hurricane Katrina, the plaintiffs having been fully compensated for this property damage by prior payments of insurance benefits and payments in lieu of insurance benefits so that any additional recovery would violate the indemnity principle;

That the motion is **DENIED** as to the plaintiffs' claim for additional insurance benefits for damage to the plaintiffs' other insured building sustained during Hurricane Katrina; and

That the motion is **DENIED** as to all other claims for extra-contractual damages asserted by the plaintiffs.

SO ORDERED this 28th day of February, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE